

JOE WARDY  
MAYOR



**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JANUARY 6, 2004  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Absent: None. Late arrivals: Robert A. Cushing, Jr., Jose Alexandro Lozano, and Paul J. Escobar. Meeting was called to order at 9:06 a.m. and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. Crime Stoppers Month
2. 3rd Annual Leah O'Brian-Amico's Softball Weekend
3. Martin Luther King Food Drive Week

No action was taken on the discussion on the City's neighbor infrastructure since the City's May election.  
[Jorge Artalejo]

Mr. Jorge Artalejo, citizen, commented on the improvements made to the City's neighborhood infrastructure.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a First Amendment to the Agreement to Provide Professional Consulting Services between Norman Gordon of Diamond, Rash, Gordon & Jackson, PC. and the City of El Paso dated August 29, 2000.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **KATHERINE NICOLE ARNOLD**, as a Graduate Intern for Economic Development Department, at an hourly rate of \$8.25, for up to 40 hours per week. The term of the contract shall be for the period of January 9, 2004 through April 9, 2004. Contract subject to the concurrence of the Civil Service Commission.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a **Second Amendment** to Texas Commission on Environmental Quality (TCEQ, formerly known as TNRCC) **Contract No. 582-3-55808** and related materials, on behalf of the El Paso City-County Health and Environmental District, as related to the operation and maintenance of air monitoring activities. This Second Amendment shall amend the scope of the contract by including ten (10) BAG Samplers for the continued and increased operation of the Air Monitoring Program in the City of El Paso. The TCEQ is to provide TWO HUNDRED THIRTY ONE THOUSAND NINE HUNDRED SIXTY FIVE AND 00/100 dollars (231,965.00) for this scope of services increase.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a **First Amendment** to an Agreement for Architectural Services by and between the CITY OF EL PASO and FRED BUXTON & ASSOCIATES, INC., for a project known as "**Northeast Park Improvements**" in an amount not to exceed ONE THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$1,600.00).

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the installation of underground electrical service to the Vista del Valle Multi-Purpose Center, located at 9051 Viscount, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 120/208 volt, three phase, four wire. One (1) 300 KVA overhead transformer will be installed to service the electrical load.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

### **RESOLUTION**

WHEREAS, section 12.85.110 of the City of El Paso Municipal Code indicates, in pertinent part, that the City Council shall, by resolution, adopt a schedule of standard fines for various parking and stopping offenses; and

WHEREAS, a revision of said schedule of standard fines is warranted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby adopts the attached revised schedule of standard fines for various parking and stopping offenses. Said revised schedule is to be effective on February 1, 2004.

Motion made by Representative Cobos, seconded by Representative Lozano and carried to postpone one (1) week the Resolution that the City Council hereby adopts the revised schedule of standard fines for various parking and stopping offenses. Said revised schedule is to be effective on February 1, 2004.

AYES: Representatives Lozano, Power, Escobar, Rojas and Cobos

NAYS: Representatives Austin, Cushing and Cook

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to suspend the Rules of Order for electronic voting.

#### Group A Discussion:

Mr. Ray Gilbert, citizen, stated that he strongly opposed increasing the parking meter fines.

Mr. Daryl Cole, Street Director, stated that he would perform a zone-by-zone study regarding the possibility of changing the parking meter times and utilizing tokens and/or nickels and dimes in the meters and return to Council with a report at a future date. He answered questions from and responded to comments made by the Council Members.

Mr. Michael E. Breiting, Executive Director of El Paso Central Business Association and El Paso Downtown Management District, requested that the parking meter fines not be increased; however, recommended that fines for Group "E", Handicapped Zones, be increased as there was a high incidence of misuse of the handicapped stickers and tags. He explained that the enforcement of expired parking meters could only be handled by El Paso Police Department; therefore, the privatization of the parking meters could not be accomplished. He answered questions from and responded to comments made by the Council Members.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided comments regarding financial matters. He recommended that a review of the fees/fee structure be done yearly or every two years dependent upon the particular fee. He answered questions from and responded to comments made by the Council Members.

Representative Cobos proposed privatizing the downtown parking meters and questioned why the downtown parking meters could not be privatized. He commented on utilizing tokens for bridge tolls, parking meters and bus fares. He proposed raising the fines and creating a separate category pertaining to Group "A" – "Section 501 Slugs in Parking Meters".

Ms. Lisa A. Elizondo, City Attorney, stated that she would provide Representative Cobos with a response regarding the possibility of privatizing the downtown parking meters sometime this week.

Mr. Al Avila, Assistant City Attorney, provided legal advice regarding slugs.

Representative Cook moved to revise the Resolution to leave Group "A" as is and to approve Groups "B" through "H". There was no second.

Mr. Pete Araujo, former Chairman of the International Bridge Commission, commented on the lack of adequate parking for attendants of City Hall and requested longer parking meter times.

Mayor Joe Wardy stated that City employees would be parking at the Union Plaza Terminal Parking facility, which would then provide adequate parking for the citizens to conduct business at City Hall.

Motion made by Representative Cobos, seconded by Representative Cushing, and carried to postpone Group "A" for one (1) until the Legal Department could provide the information regarding the privatizing of the downtown parking meters and to amend Group "E", violations in spaces designated for handicapped parking to \$200.00 and approve Groups "B", "C", "D", "E" with the amendment, "F" and "G" and "H".

Representative Cobos moved to increase parking meter fines to \$13.00 plus \$2.00 for court costs for a total of \$15.00 and to direct City staff to look at the feasibility of outsourcing parking meters. There was no second. He withdrew his Motion to allow discussion regarding the Group "C" fines.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to leave Group "A" as is.

Representative Lozano withdrew his second to allow discussion on Group "A" be moved to the end of the Regular Agenda.

Ms. Richarda Duffy Momsen, City Clerk, noted that parking fines were established through Resolution not Ordinance.

Prior to the Ordinance discussion regarding "Parking Meter Rentals" the following comments were made:

Mr. Martinez provided additional financial information as provided by City staff.

Representative Cobos stated that he had emailed to the Council Members calculations that he had derived. (on file in the City Clerk's office)

Mr. Chapman provided additional financial explanation.

Representative Austin moved to change Group "A" to \$15.00 fine plus \$2.00 court cost. Representative Power seconded.

Representative Austin clarified her previous motion as increasing parking meter fines to \$13.00 plus \$2.00 court costs. Representative Power withdrew his second. Representative Cook seconded Representative Austin's motion.

Representative Power moved to postpone the Resolution for one week. Representative Rojas seconded. Representative Rojas then withdrew her second to allow for further discussion.

Representative Power then again moved to postpone the Resolution for one week. Representative Cobos seconded.

AYES: Representative Lozano, Power, Escobar, Rojas, and Cobos  
NAYS: Representative Austin, Cushing, Cook

Mayor Wardy requested that City staff compose three different options with \$3, \$5, \$7 dollar increases.

Ms. Momsen questioned whether or not the Amendments to the Resolution were approved.

Mayor Wardy explained that due to the motion to postpone the entire Resolution, the Amendments would be accepted for the record; however, City staff would compose four different options to include a zero increase for Council Members to consider at the January 13, 2004 City Council meeting.

#### Group "B" Discussion

Representative Austin asked questions of Ms. Richarda Duffy Momsen, City Clerk, and made comments pertaining to the court costs for Group "B" and "C" matters. She noted that the expired parking meter fine increase was equivalent to  $\frac{3}{4}$  of the revised schedule of standard fines for various parking and stopping offenses and commented on the notebooks given to Council Members by Mr. Martinez.

Messrs. Martinez and Chapman provided additional financial explanation.

Mr. Gilbert requested Council Members amend/increase Group "B" fines an additional \$5.00 and suggested the parking meter fines be left as it currently existed. He also suggested postponing the matter.

#### Group "C" Discussion

Representative Cushing suggested Group "C" be increased to \$34.00, \$32.00 for the fine, \$2.00 for court costs, as Group "C" violations were more egregious.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to increase the fine for Group "C" to a total of \$32.00.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

#### Group "D" Discussion

Representative Lozano suggested that fines for parking in fire lanes be raised to \$75.00, \$73.00 for the fine, plus \$2.00 for court costs.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to increase Group "D", #5 to a total of \$75.00.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

Group "E" Discussion

Representative Cushing proposed raising the fines for Group "E" parking in handicapped parking spaces to \$200.00.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to amend the revised schedule of standard fines under Group "E" for handicapped zone no permit and blocking to establish the fine at \$198.00 plus \$2.00 court costs for a total of \$200.00.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to suspend the Rules of Order for Electronic Voting.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution adopting new fees for Zoning Applications, Special Use Permits, Detailed Site Development Plans, Special Contracts, Right of Way Dedications, Street Name Changes, Master Plan Technical Reports, Maps and other related documents.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to postpone one (1) week the Resolution adopting new fees for Zoning Applications, Special Use Permits, Detailed Site Development Plans, Special Contracts, Right of Way Dedications, Street Name Changes, Master Plan Technical Reports, Maps and other related documents.

NOTE: This Resolution was considered together with the Resolution adopting new fees for Subdivision and related applications and procedures required by Title 19 (Subdivisions) of the El Paso Municipal Code.

Motion made, seconded and unanimously carried to move to the regular agenda the Resolution adopting new fees for Subdivision and related applications and procedures required by Title 19 (Subdivisions) of the El Paso Municipal Code.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to postpone one (1) week the Resolution adopting new fees for Subdivision and related applications and procedures required by Title 19 (Subdivisions) of the El Paso Municipal Code.

NOTE: This Resolution was considered together with the Resolution adopting new fees for Zoning Applications, Special Use Permits, Detailed Site Development Plans, Special Contracts, Right of Way Dedications, Street Name Changes, Master Plan Technical Reports, Maps and other related documents.

NOTE: On January 13, 2004 Council rescinded all amendments to this resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That in accordance with Title 6 (Vehicles for Hire), Section 6.16.320 B (Vehicle requirements and inspections) the cost of taxicab inspections shall be twenty eight and 55/100 dollars (\$28.55) for each taxicab.

Representative Cushing questioned Mr. Jim Martinez, Chief Administrative Officer, regarding whether or not the taxicab inspection fees increase was consistent with the recent raise in taxicab fares.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**WHEREAS** the Texas Family Code, Chapter 158, requires that in proceedings in which periodic payments of child support are ordered, modified, or enforced, the court or the Title IV-D agency shall, with some exceptions, order that income be withheld from the disposable earnings of the obligor for the payment of child support, liquidation of child support arrearage and accrued interest, and for the satisfaction of any ordered attorney's fees and costs resulting from an action to enforce child support; and

**WHEREAS**, the Texas Family Code authorizes an employer of the obligor to deduct an administrative fee of not more than \$10.00 each month from the obligor's disposable earnings in addition to the amount to be withheld as child support; and

**WHEREAS**, pursuant to Section 158.009 of the Texas Family Code, an employer of the obligor shall withhold from the obligor's disposable earnings the amount specified up to a maximum amount of 50 percent of the obligor's disposable earnings.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City of El Paso hereby shall deduct an administrative fee of \$10.00 each month from an obligor of child support from the obligor's disposable earnings in addition to the amount to be withheld as child support, subject to the 50 percent maximum amount allowed to be withheld under Section 158.009 of the Texas Family Code.

Representative Power asked questions of Messrs. Martinez and Chapman.

Motion made by Representative Lozano, seconded by Representative Cobos and carried to approve the above Resolution.

Representative Escobar was not present for the vote.  
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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1.     **CONTRACTOR:**       Joshua M. Jordan, Lifeguard, Step 4  
       **DATES:**         January 7, 2004 through September 30, 2004  
       **RATE PER HR:**     \$6.40  
       **CONTRACT NO:**   **2003/2004-144**
  
2.     **CONTRACTOR:**       Dianne L. Moore, Swim Instructor Coordinator, Step 1  
       **DATES:**         January 7, 2004 through September 30, 2004  
       **RATE PER HR:**     \$6.50  
       **CONTRACT NO:**   **2003/2004-145**

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor, on behalf of the City, accept the donation of \$1,500.00 from the National Crime Prevention Council, Inc. to be used by the Police Department to purchase a new McGruff, the Crime Dog suit.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign Consent to Assignment from REGAL SUPPLY & CHEMICAL CO., INC. to LAUN-DRY SUPPLY CO., INC. with respect to the City of El Paso's Contract No. 2003-168C2, 2002-027C2 and 2003-206C2 to provide Paper Sundries, Janitorial & Custodial Supplies.

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Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to move to the forefront and to the regular agenda the Resolution of the City Council of the City of El Paso, Texas encouraging registered voters to vote in the Ysleta Independent School District 2004 Bond Election.

**Resolution of the City Council of the City of El Paso, Texas**

**Encouraging Registered Voters to Vote in the Ysleta Independent School District 2004 Bond Election**

**WHEREAS**, the Board of Trustees of the Ysleta Independent School District (YISD) voted unanimously to take the issue of how to find a major upgrade in campus facilities straight to the voters by asking for consideration of \$250 million bond election on January 24, 2004; and

**WHEREAS**, the last YISD bond issue was 21 years ago in 1982; and



**WHEREAS**, the YISD Board of Trustees chose a bond election as the best way to raise funds to address aging campuses, the demand of new technology, establishing fine arts programs at all YISD schools, creating a stronger maintenance program, and the need to insure equity in facilities across the District; and

**WHEREAS**, among the YISD projects labeled "Priority" are replacing up to 5 existing schools with new facilities; building one new campus in the Del Valle area to meet growth demands; correcting problems with inadequate electrical systems, heating and cooling; the need for numerous additions at almost every campus, and meeting the requirements of the American with Disabilities Act (ADA); and

**WHEREAS**, the passage of the bonds will benefit the children and create a better working environment for teachers and support staff, and education is the cornerstone of every great community;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of El Paso, Texas, hereby:

Calls upon all registered voters in the Ysleta Independent School District to vote in the 2004 Bond Election on January 24, 2004 ordering early voting.

Representative Rojas read the Resolution into the record and encouraged voters living within the Ysleta School District to vote in favor of the bonds.

Ms. Lisa Montelongo, parent and volunteer for YISD, spoke in favor of the Resolution.

Mr. Romero Guzman, Chairman of the YISD Bond Election, spoke in favor of the Resolution and encouraged voters living within the YISD to vote in favor of the bonds.

Mr. Hector Montenegro, Superintendent of YISD, commented in favor of the resolution and responded to the questions of Council.

Mr. Pete Parras, resident of YISD, commented on quality of life and education issues.

Representative Power questioned Mr. Montenegro.

Representatives Cobos and Rojas and Mayor Joe Wardy commented.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Council approve the grant applications and related documents for the certified grants from The Rio Grande Council of Governments for grants in the amounts of \$57,750.00, \$36,000.00, \$24,000.00, \$28,000.00 and \$65,000.00, to address the need of additional recycling baskets to collect and separate recyclable materials; a wood chipper to shred in-coming limbs at the Citizen Collection Sites and landfills and turn them into mulch; to provide customers with adequate containers and to store recyclable materials; to hold clean-ups events; and a container carrier to deliver 4/6 cubic yard containers to new customers. The In-Kind Services required for these grants are \$34,039.44, \$7,077.20, \$12,412.32, \$15,200.00 and \$14,154.40, respectively.

\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10<sup>th</sup> day of February, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2618 Chico Court, in El Paso, Texas, which property is more particularly described as:

The West 5 feet of Lot 5, all of Lot 6 and the East 10 feet of Lot 7, Block 100, Bassett's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 5, Page 21, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria Gandara, 2618 Chico Court, El Paso, Texas 79903, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*Motion made, seconded and unanimously carried to approve the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Airport Operations Superintendent (1) -

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\*Motion made, seconded and unanimously carried to approve the staffing table change for Health

Add	1.00	Public Affairs Coordinator	PM77
Delete	1.00	Health Education Specialist	PM70
.....			
Add	1.00	Epidemiologist	PM79
Add	1.00	Community Health Preparedness Planner	PM76
Add	1.00	Health Education Specialist	PM70

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\*Motion made, seconded and unanimously carried to approve the staffing table change for Comptroller

Add	1.00	Accounting Technician	GS20
Delete	1.00	Contract Admin. Support	C

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\*Motion made, seconded and unanimously carried that MARINA CHAVEZ be appointed as a part-time City Prosecutor at a salary of \$50.00 per session, effective January 6, 2004. This appointment is to replace Marlene Gonzalez, who has resigned as a part-time City Prosecutor.

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\*Motion made, seconded and unanimously carried to approve Change Order No. Three (Scope Change) SamCorp General Contractors for the "Westside Regional Branch Library" a decrease in the amount of - \$66,687.75. The decrease in the Contract amount is due to a revision in the book security system. (Contract No. 2003-110)

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Motion made, seconded and unanimously carried to move to the regular agenda RFP No. 2003-149R Consulting Services for Metropolitan Planning Organization – Camino Real Corridor Border Improvement Plan.

Representative Austin and Lozano were not present for the vote.

Representative Cushing asked questions.

Mr. Byron Johnson, Purchasing Director, addressed Representative Cushing's questions.

Mayor Wardy made comments.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to award RFP No. 2003-149R Consulting Services for Metropolitan Planning Organization – Camino Real Corridor Border Improvement Plan

Award to:	Wilbur Smith Associates
Amount:	\$599,357.00
Department:	Metropolitan Planning Organization

Funding source:	See Below
Total award:	\$599,357.00

The Evaluation Committee (Technical Advisory Committee (TAC)), based on evaluation factors established for this RFP, recommends award of this RFP to Wilbur Smith & Associates. Upon reviewing the recommendation from the TAC, the Transportation Policy Board (TPB) awarded Wilbur Smith & Associates the contract to complete the CRC-BIP study. The TPB met at its regular meeting of November 19, 2003 and at the open session awarded the contract and approved the project.

It is requested authorization that the Mayor and the MPO be authorized to execute any related contract documents and agreements necessary during the contract.

It is also requested that the Mayor and Staff be authorized to execute budget transfers for this award and project, as necessary.

**Funding Sources:**

Corridors/Borders Funds (CORBOR) Congressional Funding (Federal Transit Administration)	\$449,519.00
Local Agency Funding participator to provide local match for CORBOR	
New Mexico State Highway and Transportation Department	\$ 25,000
El Paso Downtown Management District	\$ 5,000
El Paso International Airport	\$ 25,000
El Paso Foreign Trade Association	\$ 25,000
City of El Paso	\$ 10,000
Texas Department of Transportation	\$ 15,000
El Paso Metropolitan Organization	\$ 7,379
Total Local Match for CORBOR	\$112,379.00

Federal Match – Surface Transportation Program (Federal Highway Administration)	\$ 21,600.00
Local Match – Surface Transportation Program (City of El Paso)	\$ 5,400.00
Transportation Planning Funds (TXDOT)	<u>\$ 10,459.00</u>
	\$599,357.00

Approval contingent upon receipt of all executed written Agreements, MOU's, Resolutions accepting donations, or funding agreements, for each of the contributing entities, agencies or organizations. Mayor authorized to execute all documents to carry out the intent of this Council action.

NOTE: Item was revised.

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Motion made, seconded and unanimously carried to move to the regular agenda RFP No. 2004-016R Cellular Phone Service for the City of El Paso.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to award RFP No. 2004-016R Cellular Phone Service for the City of El Paso

Award to: ALLTEL Communications  
El Paso, Tx  
Amount: \$240,000.00 (estimated annually)  
  
Department: Public Safety Technology  
Funds available: Various  
Funding source: Various  
Total Estimated Award: \$720,000.00

The Review Committee recommends award as indicated. Alltel Communications provided the best proposal with the best cell phone coverage. See attached memorandum for further explanation.

This contract will provide the City with cellular phone service and equipment as necessary.

Additionally, it is requested that staff be authorized to negotiate, legal to review, and that the Mayor be authorized to sign any and all additional documents as necessary.

This is a three (3) year contract with the City's option to renew the contract for two (2) additional years, one year at a time, not to exceed five (5) years, under the same terms and conditions.

Representative Austin and Lozano were not present for the vote.

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\*Motion made, seconded and unanimously carried to award Bid No. 2004-022 George Orr Road Street & Drainage Improvements

Contractor: Ortega Construction Co. Inc.  
El Paso, Texas  
Department: Community Development and PSB  
  
Funds available: 71150069/G7128CD0031/07755/508027  
Funding source: Community Development Grant and PSB  
Item (s): Base Bid I \$869,275.00  
Base Bid II \$130,663.25  
Base Bid III \$184,920.50  
Alternate I \$14,500.00  
  
Total Award: \$1,199,358.75

The Departments of Purchasing, Engineering, PSB and Community Development recommend the award of this contract to Ortega Construction Co. Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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\*Motion made, seconded and unanimously carried to award Bid No. 2004-044 Book Lease

Award to: Baker and Taylor  
Charlotte, NC  
Item (s): 1 and 2 (ALL)  
Amount: \$25,000.00 (estimated annually)

Department: El Paso Public Library  
Funds available: 53150006-508039-G530403  
Funding source: Grant – TSLAC – FY04  
Total award: \$75,000.00

The El Paso Public Library and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City a prompt payment discount of 2% within 60 days from the date of the invoice.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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\*Motion made, seconded and unanimously carried to approve BT2004-261 PARKS AND RECREATION

This budget transfer requests a new appropriation to provide commercial kitchen, entertainment, fitness and recreational equipment for the multi-purpose center. This renovated center will reopen in the Spring of 2004. Accumulated User Fee Fund balance will pay for this.

Increase	\$43,200	to	51510032/P50022516325/407001	Est Rev
Increase	\$43,200	to	51510032/P50022516325/508008	Equip/Appl

.....  
\*Motion made, seconded and unanimously carried to approve BT2004-279 COMMUNITY AND HUMAN DEVELOPMENT

For furniture and installation of new connections, cabling and technology for 8<sup>th</sup> floor remodeling.

Decrease	\$40,000	from	71150069/G7129CD000107747/508027	Construction
Increase	\$40,000	to	71150069/G7129CD004107782/508008	MajOfficeEq

.....

\*Motion made, seconded and unanimously carried to approve BT2004-286 OMB

To set-up appropriations for payment of paving project.

Increase	\$760,911.05	to	31115108/P59999926061/508027	Construction
Increase	\$760,911.05	to	31115108/P59999926061/407002	Est Rev

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance changing the zoning of Lot 3, Block 10, Eastwood Unit 1, El Paso, El Paso County, Texas (7822 Bois D'Arc) from R-3 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00073. Applicant: Kenneth L. Baldwin / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936.
- B. An Ordinance providing for the issuance and sale of approximately \$38,840,000 City of El Paso, Texas, Water and Sewer Refunding Bonds, Series 2004; approving a purchase contract; approving an escrow agreement; approving an official statement; and enacting provisions related thereto.

**PUBLIC HEARING WILL BE HELD ON JANUARY 27, 2004 FOR ITEMS A – B**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and carried to approve the following changes to the Rules of Order Resolution:

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: Representative Power

Representative Austin provided copies of a handout to Council Members (on file in the City Clerk's office) and explained the reasoning behind her request to revise the Rules of Order.

Representative Cook asked questions of Representative Austin.

**Section 6. Questions of Order**

A question of order may be raised by any Council member. All question of order shall be decided by the presiding officer with the right of appeal from his decisions to the Council that is present, the majority of whom may override the decision.

**Section 9. Order of Precedence of Motions**

A motion to adjourn shall take precedence over all other motions and shall be non-debatable; however, if such a motion is made prior to the disposition of all agenda items, the motion to adjourn must be approved by two-thirds of all Council members present.

A question of order shall take precedence over all other motions except a motion to adjourn or a question of order, and shall be non-debatable.

A motion bringing an Agenda item for a vote by Council shall be considered a main motion and may only address the item as it was posted. Where an Agenda item leaves open what action, if any, is proposed, the first motion made by a Council members for particular action shall be considered the main motion on the Agenda item.

Prior to voting on the main motion, Council may modify the item by one or more motions to amend. A motion to amend shall have precedence over the main motion and shall be approved by a simple majority of those present and voting. Following approval of any amendment(s), Council shall vote on the merits of the main motion as amended.

**Section 10. Motion to Reconsider**

A motion to reconsider any action take by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken. Such motion can be made only by a Council member who voted on the prevailing side.

.....  
Motion made by Representative Cook, seconded by Austin and unanimously carried to approve amending the Rules of Order for City Council meetings by revising Section 7 to provide for the automatic suspension of the rules for electronic voting under specified circumstances and Section 8 to allow documents referenced during a Council meeting to be attached to the minutes of that meeting.

Ms. Lisa A. Elizondo, City Attorney, answered legal questions from and responded to comments made the Council Members.

Ms. Richarda Duffy Momsen, City Clerk, placed on the overhead the changes proposed by Representative Austin. (copy on file in the City Clerk's office)

.....  
Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to move into Executive Session of the Regular Agenda the discussion and action regarding Indemnification provisions in City contracts.

Representative Austin clarified that the basis for the Executive Session discussion was to allow the City Attorney to provide legal advice.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to direct City Attorney to modify the standard indemnification language in City Contracts to not require indemnification of the City for negligence attributed to City employees. This policy will not apply to lease agreements, operating agreements, concession agreements, and maintenance agreements entered into for the El Paso International Airport.

Representatives Austin and Lozano were not present for the vote.  
.....



No action was taken on the discussion and action on Downtown bridge rehabilitation, present and future action.

Mr. Ed Drusina, Deputy Chief Administrative Officer, Municipal Services, opened the discussion.

Mr. Daryl Cole, Street Director, gave a PowerPoint presentation and answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy commented.

Commander Cliff Walsh, El Paso Police Department, commented on the Police Department's bicycle patrol and patrol units at the bridges and stated that units would be established at the proposed new bridge facility.

Mr. Matt Carroll, citizen, commented.

Mr. Pete Araujo, citizen, commented on the previous International Bridge Commission and the requested that a portion of the bridge fees be utilized to maintain the current and possible future bridges.

Mr. Martin Silva, Silva Supermarket, requested that the bridge canopy be placed prior to the summer months.

.....  
ORDINANCE 15647

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 014265 WHICH ANNEXED A PORTION OF SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, EL PASO COUNTY, TEXAS, TO CORRECT THE NUMBER OF ACRES THAT WERE ANNEXED.**

Mr. Matt Watson, Assistant City Attorney, provided explanation.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15648

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ELECTRONIC TECHNICIAN.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15648 through 15651 were all considered together.

.....  
ORDINANCE 15649

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF TRAFFIC SIGNAL TECHNICIAN.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15648 through 15651 were all considered together.

.....  
ORDINANCE 15650

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF TRAFFIC SIGNAL MAINTENANCE SUPERVISOR.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15648 through 15651 were all considered together.  
.....

ORDINANCE 15651

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF POLICE OFFICER.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15648 through 15651 were all considered together.

ORDINANCE 15652

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 15, SUSPENSION, REDUCTION AND DISCHARGE, SECTION 3, NOTICE OF PROPOSED DISCIPLINARY ACTION, PROCEDURE AND LIMITATION OF ACTION, TO AMEND THE DISCIPLINARY PROCEDURES.**

Representative Power questioned Ms. Terry A. Bond, Director of Human Resources, regarding the Ordinance.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice.

Mr. Jim Martinez, Chief Administrative Officer, gave back up information.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15653

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS) OF THE EL PASO MUNICIPAL CODE TO ADD A FEE SCHEDULE FOR PARKING METER RENTALS.**

Mr. Jim Martinez, Chief Administrative Officer, requested that the discussion regarding the parking meter fee increases be reconvened at this time as City staff had the necessary information.

Mayor Joe Wardy explained that either the fees or property taxes would be increased.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15654

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 12 (WATER AND SEWER SYSTEM) SECTION 15.12.050 (A)(5) OF THE CITY OF EL PASO MUNICIPAL CODE TO REVISE STORM DRAIN WORK OR CONSTRUCTION PERMIT APPLICATION FEES.**

Representative Power and Mayor Joe Wardy commented.

Representative Austin questioned the additional revenue pertaining to this Ordinance.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, stated that the Ordinance would increase revenue \$2,100.00.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15655

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.150 (APPENDIX A, FEE SCHEDULE-AMENDED) TO INCREASE THE FEES UNDER TABLE A101 PERMIT FEE SCHEDULE; TO OBTAIN ASSEMBLY PERMITS, HAZARDOUS CHEMICALS PERMITS, HIGH-PILED COMBUSTIBLE STORAGE PERMITS, FIRE INSPECTION FEES AND HAZMAT FEES. THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 TO 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

Mr. Jim Martinez, Chief Administrative Officer, explained the fee increase.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to postpone four (4) weeks an Ordinance Amending Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.90 (Security Alarm Systems), Section 5.90.020 (Permit-Required) to Increase the Fee to Obtain an Alarm System Permit. The Penalty Being as Provided in Sections 1.08.010 to 1.08.030 of the El Paso Municipal Code.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to Ordinance.

Representative Cook asked questions of Mr. Jim Martinez, Chief Administrative Officer, then moved to postpone for four (4) weeks. Representative Austin seconded.

ORDINANCE 15656

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12--VEHICLES AND TRAFFIC, CHAPTER 12.78-- INTERNATIONAL BRIDGES, TO REVISE THE FEE SCHEDULE FOR TOLLS FOR ALL CROSSINGS ON INTERNATIONAL BRIDGES WITHIN THE CITY OF EL PASO FOR PEDESTRIANS, BICYCLES, MOTORCYCLES, AUTOMOBILES, PICK-UP TRUCKS, PANEL TRUCKS, VANS, RECREATIONAL TRAILERS, COMMERCIAL TRUCKS, BUSES, MOTORHOMES, TRACTORS, AND COMMERCIAL TOWED TRAILERS.**

Mr. Daryl Cole, Streets Director, revised the Ordinance language as follows:

Item B - Bicycles - "\$0.35"

Item C – Motorcycles - "\$1.65"

Mr. Cole revised page two of the Ordinance to correspond with the changes made to page one.

Mr. Jim Martinez, Chief Administrative Officer, commented on the previous bridge toll fee increases in 1994 for motor vehicles and 1990 for pedestrian traffic. He answered questions from and responded to comments made by the Council Members.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided financial advice. He answered questions from and responded to comments made by the Council Members.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice.

Motion made by Representative Power, seconded by Representative Cobos and carried to approve the amendments identified by Mr. Cole in which the charge for the cost of bicyclists was changed from \$0.50 as shown to \$0.35 and the charge for motorcyclists was changed from \$1.50 as shown to \$1.65.

Representative Austin proposed amending Representative Power's motion to specify bicycles be treated the same as pedestrians and motorcycles be treated the same as automobiles, rather than specify dollar amounts.

Representative Power did not accept Representative Austin's proposed amendment.

Motion made by Representative Power, seconded by Representative Cobos and carried to amend the Ordinance to reflect the changes made by Mr. Cole:

B. Bicycles, thirty-five cents (\$0.35)

C. Motorcycles, one dollar and sixty-five cents (\$1.65)

F. Currency Exchange Rate Adjustment. Notwithstanding anything in this section to the contrary, the rate of exchange of all bridge tolls shall be adjusted monthly to the next highest, whole denomination of currency of the country of Mexico, the peso, so as to equal, at the minimum: for subsection A of this section, thirty-five cents (\$0.35) per person; subsection B of this section, fifty cents (\$0.50) per bicycle; subsection C of this section, one dollar and fifty cents (\$1.65) per motorcycle; subsection D of this section, one dollar sixty-five cents (\$1.65) per vehicle; and subsection E of this section, two dollars and seventy-five cents per axle commercial.

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: Representative Austin

Motion made by Representative Cushing, seconded by Representative Cobos and carried to approve the following amendment to the Ordinance:

Representative Cushing moved to amend the per axle rate on commercial trucks, buses, motor homes, tractors, commercial towed trailers to reflect three dollars to be consistent with other border cities. Representative Cobos seconded.

- E. Commercial trucks, buses, motor homes, tractors, commercial towed trailers, three dollars per axle.
- F. Currency Exchange Rate Adjustment. Notwithstanding anything in this section to the contrary, the rate of exchange of all bridge tolls shall be adjusted monthly to the next highest, whole denomination of currency of the country of Mexico, the peso, so as to equal, at the minimum: for subsection A of this section, thirty-five cents (\$0.35) per person; subsection B of this section, fifty cents (\$0.50) per bicycle; subsection C of this section, one dollar and fifty cents (\$1.75) per motorcycle; subsection D of this section, one dollar sixty-five cents (\$1.75) per vehicle; and subsection E of this section, three dollars per axle commercial.

AYES: Representatives Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representative Austin, Cook and Power

Mr. Pete Araujo, former Chairman of the International Bridge Commission, provided copies of a document (on file in the City Clerk's office) opposing the increase of the bridge toll fees.

Ms. Stephanie Caviness, President of the Foreign Trade Commission, stated that the Commission was opposed to increasing the per axle fees. She answered questions from and responded to comments made by the Council Members.

Mr. Michael E. Breiting, Executive Director of the El Paso Central Business Association and the El Paso Downtown Management District, spoke in favor of the increases contingent upon improvements being made to the international bridges.

Mr. Matt Carroll, citizen, suggested the "free" bridge become a paying bridge.

Mr. Sal Gomez, citizen, spoke in opposition to the Ordinance.

Motion made by Representative Austin, seconded by Representative Cushing and carried to approve the following amendments to the Ordinance:

D. Automobiles, pickup trucks (up to one-ton carrying capacity), panel trucks, van, recreational trailers, and one dollar and seventy-five cents (\$1.75).

F. Currency Exchange Rate Adjustment. Notwithstanding anything in this section to the contrary, the rate of exchange of all bridge tolls shall be adjusted monthly to the next highest, whole denomination of currency of the country of Mexico, the peso, so as to equal, at the minimum: for subsection A of this section, thirty-five cents (\$0.35) per person; subsection B of this section, fifty cents (\$0.50) per bicycle; subsection C of this section, one dollar and fifty cents (\$1.75) per motorcycle; subsection D of this section, one dollar sixty-five cents (\$1.75) per vehicle; and subsection E of this section, three dollars per axle commercial.

AYES: Representatives Austin, Cushing, Rojas and Cobos

NAYS: Representative Lozano, Cook, Power, Escobar and Mayor Wardy

Mayor Wardy voted Nay to break the tie. Motion failed.

Motion duly made by Representative Power, seconded by Representative Lozano, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was amended.

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ORDINANCE 15657

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 12 (WATER AND SEWER SYSTEM) SECTION 15.12.055 (C) PERMIT FEE OF THE CITY OF EL PASO MUNICIPAL CODE TO REVISE THE FEE FOR A PETROLEUM-CONTAMINATED WATER DISCHARGE PERMIT.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15658

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NOS. 15167, 15006, 12909, 12141, AND 10739, TO REVISE THE FEE SCHEDULE AND OVERDUE FINES CHARGED BY THE EL PASO PUBLIC LIBRARY.**

Ms. Barbara Major, representing Lower Valley Friends of the Library, spoke in opposition to the Ordinance.

Ms. Carol Brey-Casiano, Director of Libraries, gave back up information.

Representative Cook amended the Ordinance language to strike the increases for the adult and children's books, increase the meeting room user fee to \$20.50 and leave the lost items as \$5.15. Representative Lozano seconded.

Representative Cushing questioned Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, regarding the anticipated revenue flow.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided financial information.



Ms. Richarda Duffy Momsen, City Clerk, reiterated the motion as “strike the increase to the adult book fine and children’s book fine”.

Representative Cook stated that he would leave the meeting room fee and lost items as they currently read in the Ordinance.

Mr. John Nance, Assistant City Attorney, provided clarification regarding the proposed Ordinance language, explaining that the increase in the proposed Ordinance on the Agenda had applied only to adult books, not children’s books.

Representative Cook accepted Mr. Nance’s revision.

Ms. Momsen clarified that the motion made by Representative Cook and seconded by Representative Lozano was to strike the increase raising the adult book fine from \$0.15 to \$0.25, that language would be stricken.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the Ordinance as amended.

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

Representative Austin was not present for the vote.

NOTE: Ordinance was amended.

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ORDINANCE 15659

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 6, VEHICLES FOR HIRE, OF THE EL PASO CITY CODE, SECTIONS 6.12.050, 6.12.090, 6.16.090(D), 6.16.120, 6.20.050, 6.28.040(A), 6.28.040(B), 6.32.030, 6.32.130, AND 6.36.040(A) INCREASING FEES. THE PENALTY BEING AS PROVIDED IN SECTION 1.08.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representatives Austin and Lozano were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15660

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20, ZONING, CHAPTER 20.04, ADMINISTRATIVE PROVISIONS, ARTICLE X. FEES, SECTION 20.04.551 (FEE-ZONING VERIFICATION REQUESTS), SECTION 20.04.551.2 (FEE-REQUEST FOR HIGH SCREENING WALL), SECTION 20.04.551.3 (FEE-REQUEST TO RESCIND MANDATORY WALL REQUIREMENT) AND SECTION 20.04.552 (CLASSIFICATION OF USE) OF THE EL PASO MUNICIPAL CODE, TO INCREASE FEES. THE PENALTY IS AS PROVIDED BY SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representatives Austin and Lozano were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15661

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.16, ZONING BOARD OF ADJUSTMENT, SECTION 2.16.060.A, ADMINISTRATION, OF THE EL PASO MUNICIPAL CODE TO INCREASE APPLICATION FEES. THE PENALTY IS AS PROVIDED BY SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representatives Austin and Lozano were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15662

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.08 (EXCAVATIONS), SECTION 13.08.030 (PERMIT-FEES--DEPOSIT REQUIRED), OF THE EL PASO MUNICIPAL CODE, TO REVISE THE EXCAVATION PERMIT FEE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15663

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.08 (EXCAVATIONS) SECTION 13.08.160 (CHARGES FOR WORK DONE BY CITY) OF THE EL PASO MUNICIPAL CODE TO AMEND THE CHARGES FOR EXCAVATION WORK TO BE PERFORMED BY THE CITY.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15664

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.44 (COURTS), BY AMENDING SECTION 244.090 (COURT COSTS) IN ORDER TO IMPLEMENT CHANGES MADE TO THE TEXAS CODE OF CRIMINAL PROCEDURE WHICH ALLOW THE MUNICIPAL COURT TECHNOLOGY FUND TO BE USED FOR THE MAINTENANCE OF TECHNOLOGICAL ENHANCEMENTS FOR THE CITY OF EL PASO MUNICIPAL COURTS AND REPEALS THE PERTINENT SUNSET PROVISION.**

Representative Cook asked questions of Ms. Richarda Duffy Momsen, City Clerk, regarding the courts costs fees.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15665

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING RESOLUTION ADOPTED SEPTEMBER 19, 1974, WHICH IS A LEASE BETWEEN THE CITY OF EL PASO AND EL PASO COUNTY HUMANE SOCIETY, INC., TO AMEND THE TERM OF THE LEASE.**

Mr. Gonzalo Cedillos, City Engineer, explained the Ordinance for Council Members.

Representatives Cook and Escobar asked questions.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of Tract 10, Section 9, Block 81, TSP 2, T & PRRC SURVEYS, El Paso, El Paso County, Texas (Hondo Pass Drive east of Hyde Park Place) from A-M (Apartment-Mobile Home Park) to C-1 (Commercial). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00062. Applicant: Housing Authority of the City of El Paso/ Representative: Dorado Engineering, Inc., 2717 E. Yandell, El Paso, TX 79903.

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**ORDINANCE 15666**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF BLOCK 27, TRACT 5, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (7565 ALAMEDA) FROM C-3 (COMMERCIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. George Sarmiento, Planning, Research and Development Director, gave a Powerpoint presentation and stated that there was no opposition to the zoning change request. He added that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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\*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of Block 27, Tract 5, Ysleta Grant, El Paso, El Paso County, Texas (7565 Alameda) from C-3 (Commercial) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00071. Applicant: Leonardo Raggo / Representative: Luis Sariñana, 516 ½ Mauer, El Paso, TX 79915.

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\*Motion made, seconded and unanimously carried to delete a public hearing to determine if the Council Resolution of April 22<sup>nd</sup>, 2003, for the property located at 2400 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of November 26<sup>th</sup>, 2002, Harold W. Crumley, has been notified of the violations at this property. There are no delinquent taxes.

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**RESOLUTION**

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2120 Pittsburgh Ave., in El Paso, Texas, which property is more particularly described as follows:

**Lot: 22 and 23, Block 28, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in the Book 13, Page 8, Plat Records of El Paso County**

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, **Rosemary Richie, 2120 Pittsburgh Ave., El Paso, Texas 79930**, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 6<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the Structure be abated of all plumbing, electrical and HVAC violations within 30 days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the structure can only be used for domestic storage; and
  - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to abate all plumbing, electrical and HVAC violations and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

- a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

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 \*Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for April 6, 2004, a public hearing to determine if the Council Resolution of June 24<sup>th</sup>, 2003, for the property located at 164 Rio Monte Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Robert L. Meyer, 2108 Whitcomb Street, El Paso, Texas 79925, has been notified of the violations at this property. There are no delinquent taxes.  
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## ***ADDITION TO THE AGENDA***

Motion made, seconded and unanimously carried to move to the regular agenda the request that the street and drainage improvements in Rubin Heights Unit Two Replat "A" subdivision to be accepted for maintenance by the City.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Rubin Heights Unit Two Replat "A"  
Owner/Developer: The Housing Authority Of The City Of El Paso  
Consultant: Quantum Engineering

### Street Improvements:

Pete Payan Drive - from the east property line of Rubin Drive to the northeast subdivision boundary line

Jose Cardenas Lane - from the east property line of Rubin Drive to the west property line of Pete Payan Drive

Rubin Drive - from the southeast subdivision boundary line to the north property line of Pete Payan Drive, and from the south property line of Pete Payan Drive to the northwest subdivision boundary line

### Drainage Improvements:

Storm Drainage System - Located at Rubin Drive, 1-12 Grate Drop Inlet Type II; 1-8 Grate Drop Inlet Type II; and 177 ft. of 36" R.C.P.

Representative Cobos questioned whether or not the Housing Authority had held public hearings and/or notified the public.

Mr. Robert Gonzalez, Quantum Engineering, commented.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice

Mr. Rubin Gonzalez, representing the Housing Authority, provided remarks.

Mr. Tom Stanton, attorney for the Housing Authority, spoke.

Representative Austin was not present for the vote.

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Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to delete the request for rejection Bid No. 2004-024 – Rental of Portable Restrooms – as recommended by Purchasing and the Parks and Recreation Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.



Representative Austin was not present for the vote.

Mr. Byron Johnson, Director of Purchasing, provided explanation and answered questions from and responded to comments made by the Council Members.

Representatives Lozano and Cook asked questions.

Representative Cook made a motion to approve. There was no second.

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ORDINANCE 15667

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1X, BLOCK 1, ASCARATE GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George Sarmiento, Planning, Research and Development Director, stated that there was no opposition to the zoning change request and that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended unanimously to approve.

Representative Rojas, Escobar and Mayor Wardy asked questions.

Mr. Charlie Gutierrez, representing Robert Seipel Associates, spoke.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Rojas, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representatives Austin and Lozano were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:32 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action regarding Indemnification provisions in City contracts.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to direct City Attorney to modify the standard indemnification language in City Contracts to not require indemnification of the City for negligence attributed to City employees. This policy will not apply to lease agreements, operating agreements, concession agreements, and maintenance agreements entered into for the El Paso International Airport.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 2:45 p.m.

  
Richarda Duffy Momsen, City Clerk